

# **EXHIBIT C**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT CLARKSBURG

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JILL D. MYERS, as Executrix  
of the Estate of ELTON C. WINE,

Plaintiff,

VS Civil Action No. 1:14-cv-156  
(Judge Keeley)

A.S. TAYLOR, Individually; M.S. HORNE,  
Individually; J.C. SAURINO, Individually;  
J. TOMBLYN, Individually; S.B. HUFFMAN,  
Individually; M.E. WAGGAMON, Individually,

Defendants.

DEPOSITION OF JOHN BOWMAN,

a witness herein, called for examination by the  
Defendants, taken by and before Rachel Kocher, a Court  
Reporter and Notary Public in and for the State of West  
Virginia, at the law offices of Steptoe & Johnson,  
400 White Oaks Boulevard, Bridgeport, West Virginia, on  
Friday, 19 June 2015, at 9:30 a.m.



NCRA  
MEMBER  
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J. Bowman - by Mr. Mullins

1 A. No.

2 Q. Other than your current charges for  
3 cultivation of marijuana, have you been convicted  
4 of other crimes?

5 A. Yes, sir.

6 Q. What else have you been convicted of?

7 A. Uttering. Convicted felon with a firearm.  
8 Some domestics.

9 Q. And the domestics, was Patty Fetty the  
10 victim of those domestics?

11 A. Yep. Yep.

12 Q. Was there ever anybody other than Patty  
13 that was a victim of the domestics?

14 A. Maybe her daughter had restraining orders  
15 and stuff on me. Sharon.

16 Q. And is Sharon your kid as well?

17 A. No. She's -- I had five kids by her. She  
18 married my brother Robert. But that's her --  
19 that's Patty's daughter.

20 Q. Okay. Patty's daughter is named --

21 A. -- Sharon Bowman now.

22 Q. Sharon.

23 A. Yeah.

24 Q. And she's married to your brother Robert?

J. Bowman - by Mr. Mullins

1 A. Yeah.

2 Q. And you have five children?

3 A. Seven.

4 Q. Seven children?

5 Five with Patty Fetty?

6 A. Five with Sharon. Two with Patty.

7 Q. Okay. I'm confused now.

8 A. Five with the daughter. Two with the  
9 mother.

10 Q. Okay. You have two children with Patty's  
11 daughter.

12 A. Five with the daughter. Two with Patty.

13 Q. Okay. Tell me who the kids are that you  
14 had with Patty.

15 A. Billy and Logan.

16 Q. And are you aware that Billy and Logan  
17 have been subpoenaed to come here today?

18 A. Yes, sir.

19 Q. One of them called. I think it was Billy.  
20 He said he was going to be late.

21 Do you keep up with them?

22 A. I see them sometimes.

23 Q. Okay.

24 A. But I don't actually do a lot with them.

J. Bowman - by Mr. Mullins

1       Sharon?

2       A.     Yeah.

3       Q.     And her last name is Bowman?

4       A.     Yeah.

5       Q.     And she's married to your brother John?

6       A.     Bob.

7       Q.     Bob.

8       A.     Robert. Robert.

9       Q.     How long have they been married?

10      A.     Oh, several years. Ten years, maybe.

11      Q.     And how old are the children that you have  
12      with Sharon?

13      A.     They're all adults.

14      Q.     Were you ever married to Sharon?

15      A.     No.

16      Q.     And what are those kids' names?

17      A.     John, David, Patricia, Mark, and Crystal.

18      Q.     And to your knowledge, does Billy still  
19      live in Marion County?

20      A.     Yeah.

21      Q.     And Logan as well?

22      A.     Yeah.

23      Q.     What about those other five children?

24      A.     One is incarcerated, and the rest of them

J. Bowman - by Mr. Mullins

1 live in Hundred, I think.

2 Q. Okay.

3 A. Now, Mark lives in Rivesville.

4 Q. And which one of them incarcerated?

5 A. John.

6 Q. Where is he incarcerated?

7 A. Moundsville, maybe. I'm not real sure. I  
8 just hear people talk.

9 Q. Did you have the five kids with Sharon  
10 before your brother married her?

11 A. Yeah.

12 Q. Okay. Does she have any kids with your  
13 brother?

14 A. No.

15 Q. When you were convicted of being a felon  
16 in possession of a firearm, was that in federal  
17 court?

18 A. Yes, sir.

19 Q. Judge Keeley?

20 A. Yes, sir.

21 Q. And how much time did you serve for that?

22 A. Twenty-nine months and some change.

23 Q. And for uttering, did you serve time for  
24 uttering?

J. Bowman - by Mr. Mullins

1       A. Yeah. Sixty days or six months. And five  
2 years on probation, maybe.

3       Q. Have you ever served time for the  
4 domestics?

5       A. Yeah.

6       Q. How much time did you serve for those?

7       A. In the county jail in Fairmont. I don't  
8 really know. But it was in the old county jail I  
9 stayed.

10      Q. Okay. It was before they had the regional  
11 jail system?

12      A. Yeah.

13      Q. When you served time for these most recent  
14 marijuana charges, where did you serve?

15      A. McDowell County.

16      Q. Through Booker Stevens?

17      A. Yes. Stevens Correctional Center.

18      Q. Okay. How do you know Elton Wine?

19      A. How do I know Elton Wine?

20      Q. Uh-huh.

21      A. I met him 25 or 30 years ago. He was  
22 hauling cows for my sister out of Big Run in  
23 Doddridge County.

24      Q. Did you -- the two of you ever serve time

J. Bowman - by Mr. Mullins

1 together?

2 A. Never.

3 Q. And there was some testimony yesterday,  
4 from family members of Mr. Wine, that you would go  
5 to his house sometimes and do kind of odd jobs for  
6 him. You might bale hay or fix a fence or --

7 A. Work on the trailers.

8 Q. And stay for a while --

9 A. Yeah.

10 Q. -- while you were doing that. Is that  
11 fair?

12 A. Yes, that is fair to say.

13 Q. Okay. And you guys were friends; right?

14 A. Yeah.

15 Q. And you had remained friends for 25 years  
16 or so?

17 A. Or so.

18 Q. Did Mr. Wine ever bail you out of jail?

19 A. Yes, he has.

20 Q. How many times did he bail you out of  
21 jail?

22 A. Once, I think. I think he got me out  
23 once.

24 Q. Do you know what charges you were in jail

J. Bowman - by Mr. Mullins

1 A. Never. I never knew him to even get a  
2 speeding ticket.

3 Had he been in jail, sir?

4 Q. It's my understanding he had been in jail.

5 A. Okay.

6 Q. Yeah.

7 . Where were you living at the time that  
8 Elton Wine passed away?

9 A. In the trailer on [REDACTED] [REDACTED]  
10 Road.

11 Q. And do you live there now?

12 A. In Marion County.

13 Q. Do you live there now?

14 A. Yes, sir.

15 Q. And when did you first discover that the  
16 police had found marijuana in and around your  
17 trailer?

18 A. The same day the helicopter was there.  
19 The 12<sup>th</sup> of September.

20 Q. Did you see the helicopter circling around  
21 over --

22 A. [REDACTED]? Yeah.

23 Q. -- [REDACTED]?

24 A. Yeah. Everybody saw it.

J. Bowman - by Mr. Mullins

1           Q. Okay. They make a lot of noise, and  
2 pretty visible; right?

3           A. Everybody saw it. Yes.

4           Q. And you knew that you were growing  
5 marijuana, so you knew it wasn't going to be long  
6 before they figured that out; right?

7           A. Yeah. But like I had said, they -- they  
8 stuck every plant on me from their eradication  
9 program. They took other people's marijuana, and I  
10 pled guilty to it.

11          Q. And let me make sure I understand what  
12 you're telling me.

13           There were other people growing marijuana  
14 in and around Mods Run. And their --

15          A. In Marion County.

16          Q. In Marion County.

17           And you think that you got stuck with  
18 other people's --

19          A. The eradication program that day. I think  
20 I was throwed a few more in my pile.

21          Q. But you don't disagree that you were  
22 growing pot.

23          A. Yeah, I was growing some marijuana. Yes.  
24 I pled guilty to it, sir.

J. Bowman - by Mr. Mullins

1 Q. Okay. Were you growing marijuana outside?

2 It wasn't --

3 A. Yeah.

4 Q. -- growing inside your house; was it?

5 A. No. No.

6 Q. And were you also growing it inside?

7 A. No. No. I had some in my trailer, trying  
8 it.

9 Q. Do you know how much you had in your  
10 trailer?

11 A. No, sir.

12 Q. Was it multiple pounds?

13 A. I don't think. I don't know if it was  
14 multiple pounds. It could have been a couple  
15 pounds.

16 Q. And do you know whether anybody else was  
17 growing marijuana in the immediate vicinity of your  
18 trailer, in the ground?

19 A. I don't know.

20 Q. Okay. You knew where your marijuana  
21 plants were; right?

22 A. Yeah.

23 Q. And did -- were those seized by the  
24 police?

J. Bowman - by Mr. Mullins

1 A. Yeah.

2 Q. Were there any of your marijuana plants  
3 that were not seized by the police?

4 A. No.

5 Q. When the helicopter was flying over around  
6 your marijuana plants, did you leave your trailer?

7 A. Yeah. I wasn't there when they came. I  
8 was at McDonald's in Mannington.

9 Q. Okay. How did you know they were there?

10 A. I never.

11 Q. I'm sorry?

12 A. I never knowed they was there. I drove  
13 back up Mods Run, and they all waved at me. So I  
14 waved at them and just drove on by.

15 Q. And so --

16 A. The state police waved at me when I drove  
17 by my mailbox. There were two or three state cop  
18 cars sitting at the top of the driveway. And the  
19 helicopter was sitting in the field.

20 Q. Okay.

21 A. The police waved at me.

22 Q. All right. And that was the same day the  
23 helicopter had been circling.

24 A. Yeah.

J. Bowman - by Mr. Mullins

1 Q. Did you actually see the helicopter  
2 circling?

3 A. Yeah. I saw it sitting down by my  
4 driveway.

5 Q. So it was parked when you saw it; right?

6 A. Yeah.

7 Q. Okay. And where you live, is it a rural  
8 area?

9 A. Yeah.

10 Q. And were there police cars out there with  
11 the helicopter?

12 A. Yep. Yep.

13 Q. And -- and you were driving home --

14 A. Yep.

15 Q. -- to your house.

16 A. I had my dog with me.

17 Q. With your dog.

18 A. Tommy.

19 Q. And did you go home, or did you keep  
20 driving when you saw the police and the helicopter  
21 was there?

22 A. I made a detour.

23 Q. That's what I would imagine you would do.

24 And so at this point you knew they had

J. Bowman - by Mr. Mullins

1 your marijuana; right?

2 A. Yeah.

3 Q. Now, at what point did you become aware  
4 that they had searched your house?

5 A. That night when I went back to get my  
6 other dog that was in the house.

7 Q. And let me make sure I understand what  
8 you're telling me.

9 So when you were coming home from  
10 McDonald's and you see the troopers and the  
11 helicopter there, you just kind of played it cool  
12 and drove on by, and nobody questioned you, and --

13 A. Nope.

14 Q. -- you weren't taken into custody.

15 A. No, sir, I was not taken into custody.

16 Q. It wasn't like you -- it wasn't like you  
17 fled. They just didn't realize who you were. Is  
18 that what you're telling me?

19 A. Yeah. They waved at me.

20 Q. Okay.

21 A. So I waved back and just kept on driving.

22 Q. Yeah.

23 And then that -- later that day you became  
24 aware that the search warrant had been executed on

J. Bowman - by Mr. Mullins

1 your house; right?

2 A. Yeah.

3 Q. And when you came home and realized the  
4 search warrant had been served on your house, you  
5 realized that they had seized the marijuana that  
6 you had inside the house; right?

7 A. Yeah.

8 Q. Was anything else seized inside the house,  
9 that you're aware of?

10 A. Yeah. Some -- they did a thing on it. I  
11 don't know what all they said on a slip I had.

12 Q. Did they leave a receipt at the house for  
13 what had been taken?

14 A. Yeah. Yeah.

15 Q. Do you have that with you?

16 A. No. No, sir. I don't -- do not have it.

17 Q. Do you have it, though?

18 A. No.

19 Q. You had it at one time, though.

20 A. Yeah.

21 Q. Do you recall whether anything was taken,  
22 besides marijuana, out of your house?

23 A. They said there was a box of shells.

24 Q. Like, gun shells?

J. Bowman - by Mr. Mullins

1 A. Yeah.

2 A camera chip; a chip for a camera. Maybe  
3 some paraphernalia.

4 Q. Like, stuff --

5 A. A bowl.

6 Q. -- to smoke pot with?

7 A. A bowl.

8 My watermelons was all cut in two with a  
9 machete.

10 Q. To see if you were hiding something in  
11 there?

12 A. That's what the guy told me in McDowell  
13 County, at Stevens Correctional Center. I told  
14 him -- I said, "They all cut my watermelons right  
15 in half."

16 He said, "They do that looking for  
17 something hiding in them."

18 I said, "They were still growing on the  
19 vine."

20 Q. Who's the guy in McDowell County you  
21 talked to? Just another inmate?

22 A. No, no. One of the officers.

23 Q. One of the correctional officers.

24 A. Yeah, yeah, yeah.

J. Bowman - by Mr. Mullins

1           He said maybe there was stuff hiding in my  
2       watermelons.

3           That's pretty much what happened, what I  
4       know was done. I didn't even know that. My kid  
5       told me that when I was incarcerated.

6           Q. Do you disagree that a box of shells was  
7       taken from your house?

8           A. Do I disagree?

9           Q. Yeah.

10          A. No. No.

11          Q. Do you know what kind of shells they were?

12          A. No. My -- that -- my boy, Mark, he had  
13       been squirrel hunting. They were shotgun shells.  
14       He had been up on the hill hunting a few days  
15       before that, I think.

16          Q. Would you be surprised if there were  
17       multiple, different types of ammunition found in  
18       the house?

19          A. Well, there's somebody wrong there on  
20       their statements. What it was is -- there was no  
21       multiple ammunition found in my home. I had a  
22       little yard tractor sitting in the yard. I collect  
23       aluminum, brass, copper, steel. I had been to the  
24       shooting range not even a mile away and picked up

J. Bowman - by Mr. Mullins

1       cups of .303, .30-06, every kind of casing you can  
2       find. I was getting \$1.30 a pound out of it, the  
3       brass. So I sat this on my little tractor. And  
4       when they find this brass, they just automatically  
5       assume that I got all these guns. And I don't pick  
6       them up no more.

7           Q. What firing range would you pick those up  
8       from?

9           A. The Rachel Dam. It's right by my home.  
10       I'd go over there and let my dogs run around. I  
11       would pick up casings for brass.

12           Q. Is that a -- I'm not familiar with Rachel  
13       Dam. Is that, like, a state --

14           A. It's a sportsman club.

15           Q. Okay.

16           A. It's like --

17           Q. Private club?

18           A. It's private, yes.

19           Q. And what you would do is you'd pick up  
20       shells and scrap them, basically?

21           A. Yeah.

22           Q. Were there mercury switches found in your  
23       house?

24           A. I don't even know what they're talking

J. Bowman - by Mr. Mullins

1       about. I wouldn't -- I don't -- sir, I wouldn't  
2       even know what a mercury switch is.

3       Q. So you don't know if they were found or  
4       not, then. Is that what you're telling me?

5       A. Yeah. I wouldn't even -- I wouldn't even  
6       know what one was, honestly. I'd say it's got  
7       mercury in it. A thermometer.

8       Q. The house that you lived in, is it a --  
9       was it a trailer?

10      A. Trailer.

11      Q. What kind of heating system did it have?

12      A. What kind of heating system did it have?

13      Q. Uh-huh.

14      A. Gas.

15      Q. Gas?

16      A. Yeah.

17      Q. And what kind of water tank? Gas?

18      A. Electric.

19      Q. Electric?

20      A. Yeah.

21      Q. You heat your water with electric?

22      A. Yeah.

23      Q. Okay.

24      A. Yeah. Yeah.

J. Bowman - by Mr. Mullins

1 Q. Had you ever booby-trapped your marijuana  
2 plants?

3 A. No, sir.

4 Q. Did you ever have any words with your  
5 neighbors about the marijuana being discovered  
6 where you accused them of telling the police that  
7 you were growing marijuana?

8 A. No. I never talked to them. I never  
9 talked to them after the -- you all showed up.

10 The day or so before that, I told them  
11 they needed to quit cutting the wood on that side  
12 of the fence when you own this side of the fence.  
13 It says it in that report.

14 Q. Who -- what neighbor would that be?

15 A. I didn't even know his name. I don't even  
16 know.

17 Q. Does he still live there?

18 A. No, I don't think so.

19 Things has kind of messed up in the last  
20 couple years. I guess Gail Cloud is pretty bad  
21 sick, and they got rid of their -- all their  
22 animals.

23 Q. Who's Gail Cloud?

24 A. That's Norman's wife.

J. Bowman - by Mr. Mullins

1           A.    Nope.  Nope.  I never had no mean words to  
2       the man.  He come over -- he come over five or six  
3       times, brought his wife over, Gail.  And I -- they  
4       said, "We're sorry what happened to Elton.  Because  
5       he had a heart attack."

6           I said, "Well" -- I said, "You talked to  
7       the state police, Norman.  And you're the same age  
8       as Elton.  Why didn't you have a heart attack?"  
9       That's what I asked him.  And I finally told him  
10      not to ever come back to my home.  His grass is  
11      grown up.  There's -- from the winter, the pine  
12      tree limbs all broke down.  I used to take care of  
13      that for that old feller.

14       Q.    And you've read the police report; right?

15       A.    Yes, sir.

16       Q.    One of the things that Norman told the  
17       police is that you're -- you were involved with  
18       your brother in bombing Sheriff Rod Watkins?

19       A.    Yes, sir.

20       Q.    Is that true?

21       A.    No, sir.

22       Q.    Did your brother do that?

23       A.    Yes, sir.

24       Q.    Which brother?

J. Bowman - by Mr. Mullins

1 A. William.

2 Q. Is he still in jail for that?

3 A. No. He just got out and shot my son in  
4 the back when I was in jail. And Marion County  
5 lost all the evidence in Philippi.

6 Q. When -- when was it that your brother  
7 bombed Ron Watkins? Was that in the '80s?

8 A. Back in the '80s.

9 Q. And it blew up his hand; is that right?

10 A. Yeah.

11 Q. Lost some fingers?

12 A. Well, what I did is I testified against my  
13 brother in federal court, knowing some day he might  
14 come back. I had nothing to do with hurting no  
15 police officer. I might have growed a little  
16 marijuana and stuff like that, but -- and it's been  
17 proven that I never by the federal government. And  
18 so and behold, 30 years later, Norman Cloud is  
19 saying I had done the bombing. No.

20 Q. Were you ever arrested in relation to that  
21 bombing?

22 A. Never.

23 Q. Were you ever questioned in relation to  
24 that bombing?

J. Bowman - by Mr. Mullins

1 A. Yeah.

2 And then he was saying he was going to let  
3 my kid sit in the road and play with toys. That's  
4 what -- he was supposedly telling my sister  
5 Joyce Wells this.

6 Q. I don't understand -- I don't follow that.

7 A. When my kids were little. When  
8 Ron Watkins got hurt, I just first had Johnny.  
9 Sharon just had Johnny.

10 Q. Uh-huh.

11 A. And he was saying he was going to take my  
12 kids and let them play in the road, stuff like  
13 that.

14 Q. What do you mean?

15 A. He was going to kill my kids.

16 Q. He was threatening you.

17 A. Sure. Sure.

18 Q. And that was after you testified against  
19 him?

20 A. Yeah.

21 Q. You -- and your brother shot one of your  
22 sons?

23 A. Yeah. Mark.

24 Q. When did that happen?

J. Bowman - by Mr. Mullins

1 A. Last -- he -- William, my brother, is  
2 sitting in jail for 14 months. Last year. He just  
3 got out and was on paper, and he hurt my son.

4 Q. So he was in jail. What was he in jail  
5 for? Do you know?

6 A. My brother?

7 Q. Yeah.

8 A. He was in jail for that bombing.

9 Q. He was still in jail for that bombing  
10 until recently?

11 A. Yeah. Then he just got out, like, a year  
12 ago, two years ago.

13 Q. And so he was in jail for --

14 A. He did 14 months back in jail, in the  
15 regional over in Philippi.

16 Q. How long did he do for the bombing?

17 A. Twenty-three years or something.

18 Twenty-five.

19 Q. So he served about 25 years for the  
20 bombing, then he gets out. And then he shot your  
21 son, and he went back to jail for 14 months. But  
22 now he's out?

23 I need you to say yes. I think you're  
24 saying yes.

J. Bowman - by Mr. Mullins

1 A. Yes, sir.

2 Q. Because she can't type your head moving.

3 A. Okay. Yes, sir.

4 Q. Why did he shoot your son?

5 A. They had some kind of argument over his  
6 grandson -- over Bill's grandson that he's never  
7 saw.

8 Q. Is your son okay?

9 A. Yeah. Yeah. He shot him in the back,  
10 supposedly, with a -- had a sawed-off shotgun. And  
11 he run to Norman's. My boy run to Norman's. And  
12 he shot him in one of them fields. I was  
13 incarcerated at the time.

14 Q. And you were incarcerated for the  
15 marijuana charges that --

16 A. Yeah. Down in Stevens Correctional  
17 Center, sir.

18 Q. When you were in jail in Stevens  
19 Correctional Center, did one of your sons live in  
20 your house?

21 A. Yeah. Mark.

22 Q. Mark. Okay.

23 A. He's the one that got shot there. That's  
24 where he shot him at, right up by the driveway

J. Bowman - by Mr. Mullins

1 there somewhere.

2 Q. Your brother is a pretty dangerous guy?

3 A. Hmm?

4 Q. Your brother is a pretty dangerous guy?

5 A. Why do you think I tried to put him away  
6 when he did Ron Watkins?

7 Q. Okay.

8 A. Because he was very -- he is very  
9 dangerous.

10 If you all see a bunch of casings -- you  
11 won't see them around my house no more. But I was  
12 picking up brass to sell. Because I'm not allowed  
13 to have guns.

14 Q. You've already been to prison once for  
15 having a gun as a felon; right?

16 A. Yes, sir.

17 Q. Now, as far as you know, Elton wasn't ever  
18 convicted of a felony; was he?

19 A. No. Not as I ever knew.

20 Q. Did you ever know Elton to have guns?

21 A. Uh-uh.

22 Q. Never saw any guns when you were at his  
23 house?

24 A. Nope.

J. Bowman - by Mr. Mullins

1 Because I had worked for him too, Norman.

2 Q. And when the -- the -- you get home and  
3 you see the helicopter parked and the police cars  
4 there, where did you go?

5 A. Up Mods Run and over the hill and back  
6 down and parked up on my ridge. I figured they  
7 wouldn't take my truck. I parked my truck up on  
8 the -- up around behind my house up on the ridge.

9 Q. What do you mean you figured they wouldn't  
10 take your truck?

11 A. I figured they wouldn't take it if I left  
12 it up there in the woods. I figured they wouldn't  
13 tow it in.

14 Q. Okay. So you parked your truck up on the  
15 hill, and then you -- did you wait for the police  
16 to leave?

17 A. I left. I walked away.

18 Q. Where did you --

19 A. I took my dog and just went in the woods.  
20 I never come out of the woods.

21 Q. So you walked away and hid in the woods?

22 A. Yeah.

23 Q. Up on the ridge above Mods Road?

24 A. Yeah.

J. Bowman - by Mr. Mullins

1           And if I do smoke a filtered cigarette, I  
2 tear the filter off. Because when I ain't got  
3 none, if you offer me one, I will tear the filter  
4 off and smoke it.

5       Q. All right. Do you know anything about  
6 John Bowman's health?

7       A. My health?

8       Q. I'm sorry. I'm sure you know everything  
9 about your health.

10           Do you know anything about Elton Wine's  
11 health before he passed away?

12       A. Yeah. He was on oxygen. He used oxygen  
13 sometimes. That's pretty much what I knew.

14       Q. When he used oxygen, did he have, like,  
15 one of those tanks?

16       A. It was by his couch.

17       Q. Okay. Did he smoke?

18       A. Did he?

19       Q. Yeah.

20       A. I think he quit. I think he quit.

21       Q. Okay. Because he had some kind of  
22 breathing problem?

23       A. Yeah. But there's other people that smoke  
24 there. His -- his whatever you want to call them.

J. Bowman - by Mr. Mullins

1           And I mow people's yards too.

2       Q.   When was the last time you would have had  
3       a job that would have been a -- a --

4       A.   Payable job?

5       Q.   -- payable job?

6       A.   The sawmill over on Pike Fork. It's been  
7       several years ago. And I left the sawmill in  
8       Belington -- I worked in one in Belington -- and I  
9       went over on Pike Fork and worked in that one. And  
10      I rented a trailer off of Elton.

11      Q.   When you rented a trailer off of Elton,  
12      did you live there on Ralphs Run?

13      A.   No. I lived up along the main highway  
14      there at 23 where the trailer is on that turn.

15      Q.   But those are the same trailers, like --

16      A.   Yeah.

17      Q.   -- where you turned yourself in.

18      A.   Yeah.

19      Q.   In the general --

20      A.   I didn't rent that trailer that I turned  
21      myself in at. It was one on up --

22      Q.   Okay. He has --

23      A.   -- by that garage.

24      Q.   He has several trailers that are kind of

J. Bowman - by Mr. Mullins

1 you say you know what happened to him. But you  
2 assume that he was laying on the couch and his door  
3 wasn't locked based on your prior experiences with  
4 him; right?

5 A. Yeah. Yeah.

6 Q. You don't have any -- anything other  
7 than -- than your knowledge of being with Elton in  
8 the past that you base that on; is that fair?

9 A. That's fair.

10 Q. Okay.

11 MR. MULLINS: Give me a couple  
12 minutes. Okay?

13 THE DEPONENT: Sure.

14 (Break.)

15 MR. MULLINS: I don't have any other  
16 questions for you.

17 MR. BRYAN: Okay. I might have a  
18 couple questions.

19 E X A M I N A T I O N

20 BY MR. BRYAN:

21 Q. Prior to September 13<sup>th</sup>, 2012, to your  
22 knowledge, did Elton Wine ever interact in any way  
23 with your sons Billy or Logan?

24 A. Did he interact with them?

J. Bowman - by Mr. Bryan

1 Q. Did he have a relationship with them at  
2 all?

3 A. Well, he'd call them once in a while.

4 Sure.

5 Q. Okay. So he knew them?

6 A. Yeah. They coon hunted with us. We'd  
7 take the dogs out coon hunting. They'd even coon  
8 hunted when I'd lived over there with him.

9 Q. When you were coon hunting, who shot the  
10 coon? Or did anyone?

11 A. Nobody shot the coon. Nobody even took a  
12 gun.

13 Q. So what --

14 A. We were just running the dogs.

15 Q. So the dog trees the coon, and then you  
16 just let it go?

17 A. You go there and look, pat the dog on the  
18 head, and take him to another tree or take him  
19 home.

20 Q. How long did Elton first have any sort of  
21 relationship with Billy or Logan? How long had he  
22 known them?

23 A. How long had he actually known them?

24 Probably their whole lives that I had told him that

J. Bowman - by Mr. Bryan

1 they were my boys.

(Discussion off the record.)

3 BY MR. BRYAN:

4 Q. Yeah. How old was -- how old were Billy  
5 and Logan in September 2012?

6           A.     I think it says on this paper Logan was  
7        16.

8 Q. What about Billy?

A. He would have been 17 or going toward 18.

10 Q. So would it -- would it have been an  
11 uncommon thing for Elton to have made a phone call  
12 to speak with Billy or Logan?

13 A. No, it wouldn't have been.

14 Q. And where did -- if Elton were to call to  
15 speak with Billy or Logan, what residence or what  
16 phone number, if you know, would he call?

17 A. Patty Fetty's. That's their mom.

18 Q. So Elton had coon hunted with Billy and  
19 Logan --

20           A. Yeah. They had been to his farm lots of  
21         times. I told you earlier that I rented a trailer.  
22         They would come over and stay with me on the  
23         weekends and stuff.

Q. Did Billy or Logan ever help Elton on the

J. Bowman - by Mr. Bryan

1       farm or do any work for him?

2           A. I really -- I really don't know. They'll  
3       be here. You can ask them.

4                   I know they worked for the lady up the  
5       holler. Her name is Faith Fry. Billy and Logan  
6       both went up and worked for her one day.

7           Q. So when you left and started walking  
8       towards Elton's residence, you had two dogs with  
9       you?

10          A. Max and Tommy.

11          Q. Did you leave any dogs behind at your  
12       residence?

13          A. Ginger.

14          Q. Ginger.

15                   And that was the --

16          A. The Coon dog.

17          Q. Okay. And was somebody already taking  
18       care of Ginger?

19          A. No.

20          Q. So Elton didn't know that you were  
21       bringing him your dogs.

22          A. No.

23          Q. Had Elton taken care of your dogs before?

24          A. Yes.

J. Bowman - by Mr. Bryan

1 Q. Okay. And were you taking your dogs to  
2 him because he had taken care of them before?

3 A. Yes. Yes, sir.

4 Q. Okay. Was Elton capable at that time, to  
5 your knowledge, of taking care of your dogs?

6 A. Yeah. Like I said, those women would come  
7 over too: Judy and -- he had visitors.

8 Q. Where -- how far away did Patty Fetty live  
9 in relation to Elton's residence?

10 A. In Mannington, Marion County. And he  
11 lived in Ralphs Run in Doddridge County.

12 Q. So about how far would it take to drive in  
13 between those two residences in your experience?

14 A. Forty miles, maybe.

15 Q. So would that be about a 45-minute drive  
16 or an hour drive?

17 A. Probably. Yes, sir.

18 Q. Okay. You said that you were picked up  
19 around Whetstone Road --

20 A. Yeah.

21 Q. -- by a good Samaritan.

22 A. I didn't know who they was. I didn't ask  
23 him.

24 Q. So I'm just trying to figure out exactly

J. Bowman - by Mr. Bryan

1       one that called you."

2                 They said, "Well, we're not even going to  
3                 put no cameras up now because you know it all."

4                 And I said, "My sister Joyce Wells was  
5                 telling me she's supposed to put nails in boards  
6                 around her marijuana plants to keep all the other  
7                 marijuana smokers away from it." That's the only  
8                 way that I ever said anything. I told the game  
9                 warden and the state policeman. I told them the  
10                 truth. And there was only six or seven little  
11                 plants.

12                 But me, personally, I've never put down a  
13                 nail for no person to step on. Because I don't  
14                 want to step on none.

15                 Sir, there's a lot of stuff in that report  
16                 that's not right.

17                 Q.     What kind of -- did you have any  
18                 thermostats for your heating or cooling system in  
19                 your house on September 12<sup>th</sup>, 2012?

20                 A.     One on the wall you -- a thermostat on the  
21                 wall. It's a mobile home I live in.

22                 Q.     Was it a round thermostat?

23                 A.     Yeah. That you turn on the wall.

24                 Q.     So is it kind of the greenish-colored,

J. Bowman - by Mr. Bryan

1 round thermostat.

2 A. No.

3 Q. Did it have a dial on it?

4 A. I think it's still on my wall. I think  
5 it's still on my wall.

6 Q. Did you have any other thermostats laying  
7 around?

8 A. No. Not as I know of.

9 Q. Did you -- I mean, did you collect junk or  
10 anything? Did you have things laying around?

11 A. I sold \$20,000 worth of junk in a year --

12 Q. So when --

13 A. -- hauling it to Fairmont to Three Rivers.

14 Q. When --

15 A. Not Three Rivers. Mountain State Metal.

16 It's in their computer how much stuff I've hauled  
17 them.

18 Q. Okay. So when they stated in the report  
19 that they had found mercury switches at your  
20 residence, it's your testimony that you --

21 A. I had nothing like that. If I did, it was  
22 just garbage, junk.

23 Q. So you don't even know what mercury  
24 switches are used for?

J. Bowman - by Mr. Bryan

1 A. No, sir.

2 Q. And you've never been accused of or  
3 charged with constructing any sort of bomb or --

4 A. Explosive devices? No, sir.

5 Q. Have you ever been accused or charged or  
6 arrested for ever assaulting or attacking a police  
7 officer?

8 A. I might have got it for assaulting a  
9 police officer before.

10 Q. When was that?

11 A. When I was probably drunk.

12 Q. How long ago was that?

13 A. It's been several years ago. I think up  
14 in Mannington.

15 Q. Was that prior to September 12<sup>th</sup>, 2012?

16 A. Yeah. Like, years ago. Like, several  
17 years ago.

18 Q. Can you give me an approximate year?

19 A. No.

20 Q. Around 2005? Before or after?

21 A. Probably before that.

22 Q. So you believe it was prior to 2005?

23 A. Yeah.

24 Q. Were you arrested?

J. Bowman - by Mr. Bryan

1       A. Yeah. By Marion County sheriff's  
2       deputies.

3       Q. Do you recall what you were charged with?

4       A. Assaulting an officer, maybe.

5       Q. Okay. And what happened, if you recall?

6       A. If it's -- if it's -- he pepper gassed me  
7       in the back of the police car. And I kicked his  
8       side window out so I could breathe. And another  
9       officer come, Donnie Wheeler. He was a Mannington  
10      police at the time. And he said, "What's wrong?"

11           I said, "Well, that policeman took me out  
12       of Jack Christener's bar, put me in a cop car, then  
13       30 people watched him. Then he opened the door and  
14       sprayed me in the face with pepper gas, handcuffed  
15       behind my back in the cop car."

16       Q. Were you convicted of anything arising out  
17       of that incident?

18       A. Assaulting a police officer.

19       Q. So you were convicted of assaulting a  
20       police officer?

21       A. He hadn't -- it was a -- he really had no  
22       reason. I wasn't doing nothing except sitting in  
23       the bar drinking a few whiskeys.

24       Q. Where did that occur?

J. Bowman - by Mr. Bryan

1 was still at your residence?

2 A. Because he was a -- he's like a cousin of  
3 mine. I didn't even know where Ginger was going to  
4 go. Ginger ain't really my dog. Ginger is Willy's  
5 dog, my nephew. He's the one that bought the dog  
6 and stuff. It just comes to my house, and I take  
7 better care of it.

8 Q. So the two dogs that you were bringing to  
9 Elton --

10 A. He fed it and stuff for a few days is what  
11 I heard. I didn't even talk to him. I sat in jail  
12 a long -- 11 months up there at that regional jail.

13 Q. The two dogs that you were bringing to  
14 Elton, were they inside dogs?

15 A. One was, Max. I got him from Elton.  
16 That's why I tried to get him back over there.  
17 That little black dog, I got him from Elton a  
18 couple years before that. And he said if I ever  
19 had to get rid of him, to bring him back. He's a  
20 Miniature Pinscherman [sic].

21 Q. So you couldn't leave those dogs at your  
22 residence because the door was kicked in.

23 A. There wasn't nothing there. I wasn't  
24 going to be there. And -- and Willy, he starts

J. Bowman - by Mr. Bryan

1       grandma's is where I went when I turned myself in.

2       Sharon, that's her little granddaughter.

3       BY MR. BRYAN:

4           Q.     So Elton was close with some of the  
5       renters on his property. Is that fair to say?

6           A.     All of them.

7           Q.     So he's -- even in that picture, you can  
8       see that he's holding the hand of --

9           A.     The little granddaughter.

10          Q.     -- of Sharon's granddaughter.

11          A.     Yes.

12          Q.     On September 12<sup>th</sup>, 2012, did anyone else  
13       live with you except for your dogs?

14          A.     No.

15          Q.     Were you pretty close with your dogs?

16          A.     Yeah. They're like my kids.

17           MR. BRYAN: I don't think I have any  
18       other questions right now.

19           MR. MULLINS: I've got a few more  
20       questions.

21                            E X A M I N A T I O N

22          BY MR. MULLINS:

23          Q.     You spent a lot of time in jail for being  
24       a felon in possession of a gun; correct?

J. Bowman - by Mr. Mullins

1 A. Hell no.

2 Q. You talked about -- when Mr. Bryan was  
3 asking you some questions, about a charge for  
4 kidnapping. Who made -- who charged you with  
5 kidnapping?

6 A. Laurie Burtavich [phonetic]. She didn't  
7 charge me with it. Pat Wilson did in Marion  
8 County, the prosecuting attorney.

9 Q. And who's Laurie Murtavich [sic]?

10 A. Some guy -- Pete Burtavich's wife.

11 Q. She's the one that alleged she had been  
12 kidnapped?

13 A. Yeah. Yep. It was a big story.

14 Q. And what police --

15 A. The man is out of town, and I'm messing  
16 with his wife. And I'm taking their kids to the  
17 school; I'm picking their kids up at the school.  
18 Then all of a sudden, one day the husband is coming  
19 back from out of town, and she tells me to go into  
20 Fairmont and pick up Justin. That's a son of hers.  
21 And she called the police and said I stole her car  
22 to start with it. I had no driver's license. And  
23 I drove her little Chevy Cavalier every day. But  
24 she called and said that I had stoled her car; I

J. Bowman - by Mr. Mullins

1       hit her with the telephone. And they dropped all  
2       charges against me. It was not true.

3       Q.     Okay. So she -- she said you stole her  
4       car. She said that you beat her up.

5       A.     Yeah.

6       Q.     And then she said you had kidnapped her.

7       A.     Yeah. She said I kept her for five days.  
8       And I guess when -- they arrested me for it and  
9       kept me in jail for 71 days. I guess when they did  
10      all their investigation and talked to the kids or  
11      whatever, I'd been -- I'd been doing everything for  
12      that lady.

13      Q.     And spell her last name for me; will you?

14      A.     I wouldn't know how to spell it.

15      Q.     Say it one more time.

16      A.     Burta- -- Burtavich or Burtabich.

17      Q.     Burtavich?

18      A.     Burtavich.

19      Q.     Burtavich? Is that what you said?

20      A.     Yeah.

21      Q.     Do you know if she still lives in the  
22      area?

23      A.     Yeah. She lives at Wadestown over in  
24      Mon County.

J. Bowman - by Mr. Mullins

1 for battery on a police officer -- you told us  
2 about that -- at a bar; right?

3 That's a yes?

4 A. Yeah. Yes, sir.

5 Q. And it's possible you've been arrested and  
6 convicted of other batteries on a police officer;  
7 isn't it?

8 A. It's possible.

9 Q. Sometimes when you're -- when you were  
10 going to be arrested, you didn't go peacefully; did  
11 you?

12 A. No. I always went pretty peacefully  
13 unless they put me in the back of a cop car and  
14 pepper gassed me in there when I'm handcuffed  
15 behind my back.

16 Q. The police officers that you say --

17 A. You want to know which one done it?

18 Q. Yeah.

19 A. It was Eric Parker.

20 Q. And he's a deputy?

21 A. Marshall Parker's son.

22 Q. Deputy?

23 A. Yeah.

24 Q. Okay. But you were convicted of a crime

J. Bowman - by Mr. Bryan

1 think that if he heard that you had gotten in  
2 trouble again or that you were headed to jail, that  
3 he would have tried to figure out some way to take  
4 care of your dogs at your residence?

5 A. I know he would have.

6 Q. So would that have been something that  
7 you -- that would be consistent with your knowledge  
8 of Elton to -- if he had heard that you were --

9 A. He would have been worried about my dogs.

10 Q. Let me finish my question.

11 Do you think that would have been  
12 consistent with him to have contacted -- if he did,  
13 contacted Billy and Logan and tried to get them to  
14 go get your dogs or take care of your dogs?

15 A. Yeah. Because he -- I never talked to  
16 him. He would not even know where my dogs were at.

17 He knows for a fact -- these dogs right  
18 here, he went from Doddridge County, went down on,  
19 I think, 310 out of Fairmont, toward Grafton, in  
20 2010. They paid a \$140, got these dogs and took  
21 them to Doddridge County. Because Joyce Wells,  
22 that sister of mine, she's the one that put the  
23 dogs in the dog cop, jail.

24 Q. So you said that you cared about your dogs

J. Bowman - by Mr. Bryan

1 like they were your children kind of; right?

2 A. They are my children.

3 Q. Was Elton kind of the same way? Were dogs  
4 important to him?

5 A. Everything was. He took the best of care  
6 of his horses, of his cows, of his mules. He took  
7 the best care of his animals.

8 Q. So it's your belief that Elton also cared  
9 about your two dogs.

10 A. Oh, yeah.

11 MR. BRYAN: I don't think I have any  
12 other questions. Thank you.

13 MR. MULLINS: Sir, if you want, you  
14 can get a copy of this transcript to review.

15 THE DEPONENT: Okay.

16 MR. MULLINS: Would you like to get a  
17 copy of that?

18 All you can do is check to make  
19 sure she typed it right.

20 THE DEPONENT: That's okay.

21 (The deposition was concluded at  
22 11:16 a.m.)

23 (Signature was waived.)

24

1  
2                   C E R T I F I C A T E  
3  
4

-----

5                   STATE OF WEST VIRGINIA  
6  
7  
8

9                   I, Rachel Kocher, a Court Reporter and Notary  
10                  Public in and for the State of West Virginia, do hereby  
11                  certify that the witness, John Bowman, was first duly  
12                  sworn to testify the truth, the whole truth, and  
13                  nothing but the truth; that the foregoing deposition  
14                  was taken at the time and place stated herein; and that  
15                  the said deposition was recorded stenographically by me  
16                  and was reduced to typewriting under my direction and  
17                  constitutes a true record of the testimony given by  
18                  said witness, all to the best of my skill and ability.

19                  I further certify that the inspection,  
20                  reading, and signing of said deposition were waived by  
21                  counsel for the respective parties and by the witness.

22                  I further certify that I am not a relative or  
23                  employee of either counsel and that I am in no way  
24                  interested, directly or indirectly, in this action.

25                  IN WITNESS WHEREOF, I have hereunto set my  
26                  hand and affixed my seal of office this 1st day of July  
27                  2015.

28  
29                    
30                  Rachel Kocher  
31                  Court Reporter

